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February 21, 2006 LB 853

SENATOR CHAMBERS: Well, if we put that in here, I'm sure there's nothing in Section...in 49 C.F.R. Section 383.3 that says a person must be fully clothed. So since it doesn't say explicitly that the person must be clothed, the state cannot require that a person be clothed. Could we require that a person be able to see?

SENATOR BAKER: We do.

SENATOR CHAMBERS: Does 383.3 say that one of these military persons must be able to see?

SENATOR BAKER: I don't think it says that in this section, no.

SENATOR CHAMBERS: Well, we would be adding something that is not required by the section. Isn't that true?

SENATOR BAKER: Yes, but I think it's already in rules and regulations.

SENATOR CHAMBERS: We're talking about this specific section.

SENATOR BAKER: (Inaudible) No, it's not...

SENATOR CHAMBERS: Because I'm sure there are some federal rules that require a person who's going to drive a military vehicle of this kind to have a valid military driver's license. I'm sure that's required somewhere in some federal regulation. So if we're going to accept the rationale of this letter, which I don't, that anything not explicitly required in that regulation cannot be required by the state, then I have to conclude that we cannot require a person to wear clothes, that a person be able to see, that a person even be able to control the vehicle. Is there anything in Section 383.3...first of all, have you read that section?

SENATOR BAKER: Yes, I have it right here in front of me, in my hands.

SENATOR CHAMBERS: Is there anything in that section that says a person driving one of these vehicles must be able to control the